

AMEND BPH-911114MS
AURIO MATOS BARRETO
CHANNEL 239 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
January 1994

EXHIBIT #7

Radiofrequency Radiation Study and Statement

This radiofrequency radiation study is being conducted to determine whether this proposal is in compliance with OST Bulletin Number 65, dated October 1985, regarding human exposure to radiofrequency radiation in the vicinity of broadcast towers. This study considers all nearby contributing stations and utilizes the appropriate formula's contained in the OST Bulletin.

The new 4-bay antenna system will be mounted with its center of radiation 58 meters (190.3 feet) above the ground at the proposed tower location and operate with an effective radiated power of 6 kilowatts in the horizontal and vertical plane (circularly polarized). At two meters, the height of an average person, above the ground at the base of the proposed tower, this instant proposal will contribute, worst case, 0.128 mw or 12.8 % of the allowable ANSI limit. Since this level is below the 100% limit defined in the aforementioned bulletin, this proposal is believed to be in compliance with OST Bulletin Number 65 as is required by the Federal Communications Commission.

Further, the applicant will post warning signs in the

vicinity of the tower warning of potential radiofrequency radiation hazards at the site. In addition, the applicant will reduce the power of the proposed facility or cease operation as necessary, to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.

EXHIBIT 2

DECLARATION

I, Aurio Matos, under penalty of perjury and pursuant to Section 1.16 of the Commission's Rules, do hereby declare:

1. I am an applicant for a new FM Station at Culebra, Puerto Rico, and was involved in a comparative hearing with a competing applicant, Lloyd Santiago-Santos and Lourdes Rodrigues-Bonet. On November 4, 1993, the Judge issued an Initial Decision granting my application because I had proposed a site that served more people in a larger area and had more broadcast experience.

2. The site where I proposed to locate my tower is the same site currently used by WSAN-FM. Before I filed my application, I spoke with the owner of the tower, Sr. Carlos J. Colon-Ventura, and he gave me permission to use his tower to place my antenna. I found out later, when Santiago and Rodrigues filed a petition against me on June 22, 1993, that Colon-Ventura's tower is located on the property of the U.S. Fish and Wildlife Service ("FWS"). I hired a lawyer in Puerto Rico to speak with the FWS at Culebra, and he was told that they would not make a decision on whether or not they wanted me to locate my antenna with Colon-Ventura's until after I was granted the construction permit from the FCC.

3. On December 9, 1993, after the Judge granted my application, I made a request to FWS for permission to put my antenna on Colon-Ventura's tower. I received on December 21, 1993, a letter from FWS dated December 13, 1993, saying that they did not want to grant me permission to place my antenna on Colon-Ventura's tower.

4. During the next week and a half, I had many conversations with my attorney, Scott Cinnamon and my engineering consultants at Bromo Communications. They advised me, and eventually I agreed, that instead of appealing the FWS letter, I should find a new site.

5. By December 28, 1993, I had located a potential new site and contacted the site owner, Sr. Jose R. Perez-Villamil by telephone. After I had his initial approval, I scheduled a meeting with him to further discuss the project. We met on January 3, 1994, and he agreed on that day to provide a letter to the FCC saying that he would allow me to locate a tower and transmitter for my FM station on his property pursuant to a lease. That same day I faxed the coordinates of Sr. Perez-Villamil's property to my engineers so that they could prepare the necessary engineering amendment.

6. I realized that at the Perez-Villamil site, instead of an existing tower, I would now have to construct my own tower. I have in my possession a self-supporting tower that can be used for the Culebra station. During the next week, my engineers told me that it would add between \$5,000 and \$10,000 to the budget amount I had proposed to construct and put the tower.

7. The engineers told me they had sent the engineering portion to my attorney to be filed on January 11, 1994. I called my attorney's office and they told me of the unfortunate personal circumstances that kept my attorney away from Washington for the week of January 10 to January 14, 1994.

8. While the engineers were working on the engineering amendment, I had many discussions with my attorney and he suggested some strategies at how I might be able to settle the case, and explained to me about a court decision that might delay any actions in comparative hearing cases like mine for several years. I decided to contact the other party to see if they were interested in settling, and they were. When my attorney returned, he and I worked on getting an agreement together where the case would be settled and the parties reached an agreement in principle on January 18, 1994.

9. On January 19, 1994, the lawyers for the two parties filed a letter with the Review Board at the FCC telling them the parties had reached an agreement and asking that all actions be stopped while a formal agreement was prepared and filed. Since then I have been speaking with Santiago and Rodriguez and the lawyers have been working on preparing settlement documents for us to sign. There was some discussion between the parties over whether my amendment should be filed before or after settlement and that has held up the process. I have been informed, and reviewed a copy of the petition filed by the Mass Media Bureau on January 28, 1994. It was never my intent to withhold any evidence from anybody. The Mass Media Bureau lawyer received the FWS letter at the same time I did. My attorney told me that we would have to turn that letter over to the parties and I told him if that's what we should do, then let's do it. I believe still that I could locate my antenna at the WSAN tower if I wanted to, by appealing the FWS letter and arguing that the tower actually belongs to Colon-Ventura so FWS should not be able to stop us. This is based on discussions I had with my attorneys in Washington and Puerto Rico. To more quickly move the case along, and to avoid the FWS appeal process, I decided to find a new site instead.

Aurio A. Matos

Date:

EXHIBIT 3

DECLARATION

I, Jose R. Perez-Villamil, under penalty of perjury and pursuant to Section 1.16 of the Commission's Rules, do hereby declare:

1. I am the owner of a parcel of land approximately acres (or kilometers x kilometers) in size. The site is located at Tanarindo Estates, Flamenco Ward, Culebra, Puerto Rico.

2. During the last week of December, 1993, I was initially contacted by Aurio Matos, who asked me if I would consider allowing him to construct a tower and to place an antenna for an FM station on my property. We decided that a lease would be the best way to accommodate the project. We met on January 3, 1993, so that Sr. Matos could see the site and we could talk more about the terms of our arrangement.

3. We agreed that the per month cost would be agreed upon, based on market prices, when Sr. Matos is ready to construct. the term of the lease will be for ten years, with a renewal option for another ten years. The amount that Sr. Matos will pay can be adjusted at the end of each five year period.

4. Though we have not signed a lease, it is my intent, and was my intent as of the date of the attached letter, to allow Sr. Matos to use my land for his Culebra FM station.

Jose R. Perez-Villamil

EXHIBIT 4
DECLARATION

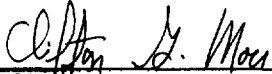
I, Clifton G. Moor, under penalty of perjury and pursuant to Section 1.16 of the Commission's Rules, do hereby declare:

1. I am a broadcast technical consultant and principal of Bromo Communications, Inc. My work, and the firm's work in representing broadcast applicants and licensees is a matter of record at the FCC.

2. On or about January 3, 1994, I was contacted by Aurio Matos concerning his application for a new FM station to serve Culebra, Puerto Rico. Our firm had prepared the engineering exhibit that accompanied Sr. Matos' application when it was filed. Our firm had been previously made aware by Matos' legal counsel, that the U.S. Fish and Wildlife Service had issued a letter denying Matos' request to locate his antenna on an existing broadcast tower on a wildlife refuge.

3. Matos concurred with his legal counsel and our opinion that it would be better to amend to a new site than appeal the U.S. Fish and Wildlife Service letter and informed me that he had a site in mind. He asked us if we would do the engineering when after he finalized availability of the site. I said we would.

4. On January 7, 1994, Matos faxed us a map marking the proposed new site. We conducted the necessary engineering studies and shipped the completed engineering portion of the amendment to Matos' attorney on January 11, 1994.



Clifton G. Moor

Date: 2-4-94

CERTIFICATE OF SERVICE

I, Phyllis Lee, do certify that on this 7th day of February, 1994, a copy of the foregoing was sent via first class mail, postage prepaid or delivered, as indicated, to the parties set forth below:

Honorable Joseph A. Marino, Chairman
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Honorable Norman B. Blumenthal
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Honorable Marjorie Reed Greene
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Allan Sacks, Chief of Law
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Audrey P. Rasmussen, Esq.
David L. Hill, Esq.
O'Connor & Hannan
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006

Gary Schonman, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554 *

* - via hand delivery


Phyllis Lee